

**ORDINANCE**

**By: Chavez, Chowdhury, Wonsley, Payne, and Stevenson**

**Amending Title 11, Chapter 223 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Drugs.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Article 1 of the above-entitled ordinance be and is hereby repealed.

**ARTICLE I. GENERALLY**

~~**223.10. Possession of injection implements.** No person, except dealers in surgical instruments, apothecaries, physicians, dentists, veterinarians, nurses, attendants and interns of hospitals, sanatoriums or any other institution in which persons are treated for disability or disease, shall at any time have or possess any hypodermic syringe or needle or any instrument or implement adapted for subcutaneous injections, unless such possession is authorized by the certificate of a physician issued within a period of six (6) months prior to any time of such possession; provided, that such certificate shall not be required of any person under a physician's care for a diabetic condition.~~

~~**223.20. Possession of opium smoking paraphernalia.** No person shall use, possess or have under his control for use any stem, bowl, lamp, yen hock or other opium smoking paraphernalia or accessories used for the smoking or inhalation of opium.~~

Section 2. That the definition for "drug" contained in Section 223.60 be amended to read as follows:

**223.60. Definitions.**

*Drug* means: (a) Barbitol and any derivative thereof; diethylbarbituric acid; any alkyl, aryl, metallic or halogenated derivative of barbituric acid; veronal (barbitone); proponal, ipral, dial; neonal (soneryl); sandoptal; amytal, phenobarbital (luminal); phandorn; noctal, allonal (which contains allylisopropylbarbituric acid in combination with amidopyrine), medinal; any preparation, mixture or other substance containing any of the foregoing substances.

(b) Any drug consisting of amphetamine, desoxyephedrine (methamphetamine), mephentermine, pipradol, phenmetrazine, methylphenidate or any salt, mixture or optical isomer thereof which drug, salt, mixture or optical isomer has a stimulating effect on the central nervous system, except preparations for use in the nose and unfit for internal use.

(c) Chloral hydrate (Chloral); chlordiazepoxide and its salts (Librium); diazepam (Valium); ethchlorvynol (Placidyl); ethinamate (Valmid); glutethimide (Doriden); meprobamate (Miltown, Equanil, Meprospan, Mepro tabs); methyprylon (Noludar); paraldehyde.

(d) For the purposes of this article, any controlled substance as defined in Minnesota Statutes, Section 152.02, subdivisions 2, 3, 4, 5 and 6, excluding marijuana, which are specifically incorporated herein by reference.

Section 3. That the definition for “drug paraphernalia” contained in Section 223.210 be amended to read as follows:

**223.210. Definitions.**

*Drug paraphernalia.* The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes, Chapter 152. The term includes, but is not limited to:

(1) Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

2) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(3) Hypodermic syringes, needles, and other objects used, intended for use, and designed for use in parenterally injecting controlled substances into the human body; and

(4) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, which shall include but not be limited to the following:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, which has become too small or too short to be held in the hand;

(f) Miniature cocaine spoons, and cocaine vials;

(g) Chamber pipes;

(h) Carburetor pipes;

(i) Electric pipes;

(j) Chillums;

(k) Bongs;

(l) Reserved;

~~(m) Ice pipes or chillers.~~

(a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, or (3) enhancing the effect of a controlled substance.

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of: (1) hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

Section 4. That Sections 223.230 and 223.235 of the above-entitled ordinance be and are hereby repealed.

~~**223.230. Possession of drug paraphernalia prohibited.** It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this section is a petty misdemeanor.~~

~~**223.235. Possession of drug paraphernalia in a public place prohibited.** It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia in a public place. As used in this section, "public place" shall include streets, alleys and sidewalks dedicated to public use, and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially, for a fee, or otherwise, or in or on which the general public is permitted without specific invitation. Any violation of this section is a misdemeanor.~~

Section 5. That Section 223.240 of the above-entitled ordinance be amended to read as follows:

**223.240. Manufacture or delivery of drug paraphernalia prohibited.** It is unlawful for any person eighteen (18) years of age or older knowingly or intentionally to deliver drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger or to knowingly or intentionally ~~to possess or~~ manufacture drug paraphernalia for delivery. Any violation of this section is a misdemeanor.